

Joe Bustillos

December 6, 1990

Interpretive Editorial: Listening to the Other Voices Before We Go to War

People say to me, "How many lives, how many lives can you expend?" Each one is precious. And I don't want to reminisce, but I've been there. I know what it's like to have fallen comrades and see young kids die in battle . . . And it's only the President that should be asked to make the decision: Is it worth it? How many lives is it worth?

- President George Bush, Press Conference, Nov 30, 1990

President Bush may be letting his sincere desire to act decisively regarding the Gulf Crisis cloud his perception of his constitutional duties when it comes to involving United States troops in armed conflicts.

He said that he knows his constitutional rights and is interested in any support the congress can give him. But he is not interested in calling the congress back for a special session or in receiving two-hundred plus opinions on what should be done in the Persian Gulf. Perhaps someone should remind the president that he is required by the constitution to consult those two-hundred plus voices.

*Delete the last sentence here. It is to eliminate and unexample.*

The Congress shall have Power . . . To declare War . . . To raise and support Armies . . . To provide and maintain a Navy . . . To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.

- Article 1, Section 8, The Constitution of the United States of America

The president shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States . . . He shall have Power, by and with

the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur.

- Article 2, Section 2, The Constitution of the United States of America

Some might consider it a cruel joke that the Founding Fathers saw it fit to give the president authority over the army as "Commander in Chief" but restricted him from playing with his new toy without inviting along his often contrary cousin, the United States Congress. A cruel joke to some, a balance of power to others.

This "curtailment" of powers imposed upon the presidents, this cruel harness or yoke that has plagued presidents since George Washington himself was the Founding Fathers' way of insuring that no one man might see fit to use the military as a way to secure his own authority. That a president might use the army against an adversarial legislative body was a real fear to the writers of the constitution.

In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

- Dwight D. Eisenhower, Farewell Radio and Television Address to the American People, Jan 17, 1961

Three-hundred and twenty years before Eisenhower's warning, the English House of Commons passed the Triennial Act which



forced Charles I to summon Parliament every three years. Charles I was forced to comply because Parliament controlled the country's revenues and without the revenues the king couldn't raise an army to put down an Irish rebellion (does any of this sound familiar?). In short the British would not place an army under a king that they did not trust. Separating the military power from the purse was a prudent measure that the British learned as far back as 1641. Should President Bush think that a modern democracy can afford to be any less careful?

While President Bush doesn't have to deal with the Triennial Act specifically, there is this business of the War Powers Act which every American President has had to wrestle with since its passage in 1973.

Drafted while American involvement in Vietnam was waning, Congress set about to write a measure that would prevent Americans from becoming involved in another ill-advised war.

The War Powers Act calls for specific requirements that the president must meet before engaging American troops in any protracted military conflict. It spells out explicitly what the constitution alluded to.

*"The Congress shall have the power . . . to declare War"*

The War Powers Resolution states that the president may introduce armed forces into hostilities "or into situations were imminent involvement in hostilities is clearly indicated by the circumstances" under only three situations: (1) a declaration of

war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces" [Sec. 2(C)]. Georgetown University instructor Pat M. Holt notes that the resolution excludes attacks upon U.S. civilians aboard, attacks on merchant shipping or the possible threat of attack on the United States (a la the Cuban Missile Crisis). In all instances the president must consult with congress "in every possible instance beforehand" (Sec. 3).

Without a declaration of War the president is required to notify the Congress within forty-eight hours after deploying troops. If the troops equipped for combat are sent to any foreign country (except for training and supply) or are sent in numbers that "substantially enlarge" combat-equipped forces already abroad the president's initial report ends the matter. If, however they are sent into hostilities, under the War Powers Act, the forces are to be withdrawn at the end of sixty days (with a possible thirty day extension) unless Congress in the has declared war, enacted some other specific authorization, extended the sixty-day period, or is physically unable to meet (Sec. 5). At any time during the sixty-day period Congress can pass a bill or a joint resolution, which is subject to presidential approval or veto, withdrawing the troops. The law as it was originally drafted provided that Congress could have the armed forces withdrawn at any time by a concurrent resolution which did not

require the president's approval. The Supreme Court ruled in 1983 that that provision was unconstitutional.

President Bush promised during a press conference, "Let me assure you, should military action be required, this will not be another Vietnam." The War Powers Act was the Congress' way of adding their part to that assurance.

To the English House of Commons in 1641 the dangers of giving the king unquestioned control of the army were self-evident. To the U.S. Legislature back in 1973, unscrambling the tangled American foreign policy that led to Vietnam, the thought of the military in one person's or one party's hands was just too much of a threat. History is rife with examples of too much military power in too few hands. The contemporary threat is no less real.

Looking at the great difficulty with which it took to unseat Panama's Manuel Noriega, who personally controlled his country's military, or the parade of former generals who live in the presidential palaces of many South American countries, it is amazing that Americans do not see the need for Congress to have such a strong voice in decision about U.S. troop involvement overseas. It is a deluded public that fools itself into thinking that such a thing could never happen here.

Perhaps we won't see the arbitrary suspension of the Bill of Rights, although President Wilson went a long way toward curtailing the First Amendment Right of Free Speech during the First World War. But if we or our representatives are not given



a voice in deciding whether we are going to go to war against Iraq, one must wonder how President Bush understand his constitutional responsibilities.

The lessons of military abuse should be obvious. Even a president as popular as Bush's predecessor found it too much of a temptation to not conduct what amounted to a secret war against Nicaragua. Sure, it's inconvenient and costly in time and energy. It takes a lot to get a war machine going without having to consult two-hundred-plus "other opinions." But if President Bush is really concerned about not needlessly shedding American and Iraqi blood, how can he ignore the other multitude of voices that make up the United States Government.

Jol -

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The last ~~part~~ makes your piece sound more like a column. Delete it. You need to include more direct quotes & more attribution to make this interpretive piece credible. A closing statement also is needed. You also make some assertions that need to be supported with facts. The link - or no link - between the Constitution and Eisenhower's industrial-military speech needs to be tied together.

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Associated Press. "Bush's Statement: 'We Are Not Alone. . . . It Is Iraq Against the World.'" Los Angeles Times, Dec 1, 1990, p. A-5.

Milton C. Cummings, Jr. and David Wise. Democracy Under Pressure: An Introduction to the American Political System. Sixth Edition. San Diego, CA: Harcourt Brace Jovanovich, Publishers, 1978.

Cecil V. Crabb, Jr and Pat M. Holt. Invitation to Struggle: Congress, The President, and Foreign Policy. Third Edition. Washington, D.C.: Congressional Quarterly, 1989.

John McKay, Bennett D. Hill, and John Buckler. A History of Western Society. Special Edition: California State University, Fullerton. Palo Alto, CA: Houghton Mifflin Company, 1983.

Michael Ross. "Congress Welcomes Bush's Offer to Iraq." Los Angeles Times, Dec 1, 1990, p. A-4.